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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,891	12/24/2001	Edward M. Schrader	SCHRAD-1201	4247

7590 11/16/2006  
Edward M. Schrader  
5738 E. Hawthorne St.  
Tucson, AZ 85711

EXAMINER

TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/035,891

**Applicant(s)**

SCHRADER, EDWARD M.

**Examiner**

Daniel Tekle

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed September 06, 2006, with the rejection of respect to claims 10-12, under Tsuga et al. have been fully considered and are persuasive. Therefore the rejection has been withdrawn. However applicant arguments with respect to the rejection under Feleming. III et al. are found not to be persuasive.

#### **Regarding claim 10**

a.) In page 14 applicant argues, with respect to claim 10a, lines 1-5.

In response, the examiner respectfully disagrees. "Fleming does teach analyze audiovisual work (column 2 lines 37-42) using database pointers to distinguish (analyze) between non-objectionable and objectionable scenes.

b.) In page 14 applicant argues, with respect to claim 10b, lines 1-6.

In response, the examiner respectfully disagrees. "Fleming et al. does teach matching operation on (column 2 lines 15-18) objectionable content can be identified either by video frame numbers or a time stamp of the video frame. Fleming et al. art shows objectionable audiovisual work finds by matching from exist video frame numbers or a time stamp of the video frame already reserved in a database.

c.) In page 14 applicant argues, with respect to claim 10c, lines 1-6.

In response, the examiner respectfully disagrees. "Fleming et al. does teach modification operation column 2 lines 63-67. When a movie replaced from objectionable to non-objectionable, a modification operation is done.

d.) In page 15 applicant argues, with respect to claim 10d, lines 3-5.

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In response, the examiner respectfully disagrees. "Fleming et al. does teach a DVD player under control of the information contained in the database (column 2 lines 33-36).

It is noted that claim 10 does not specifically recite that the movie is not altered when the soundtrack is omitted. The playing back of the video signal of the reference, Fleming. et al. anticipates the movie of claim 10 and the omitting of the audio. Fleming et al. Anticipates the modification of the sound track and the capability of not hearing any words that are included in said predetermined list of words of claim 10.

**Regarding claim 11:**

In re page 15 applicant argues, with respect to claim 11, Lines 2-5 when a word on a soundtrack is in the word list, the computer will "delete said particular word... and play no word in the place of the deleted word" – Fleming et al. does not teach having the computer specifically delete a single word based on a comparison operation.

In response, the examiner respectfully disagrees as discussed above with respect to claim 10 and in the last office action. Fleming teaches a DVD player uses the database to reproduce only the non-objectionable scenes of the work based on the selected rating level (column 2 lines 40-42). Also Fleming et al. anticipates DVD player, under control of the information contained in the database, plays the audio visual work jumping past all objectionable scenes indicated by the database (column 2 lines 33-36). When an audiovisual work jumping a scene "it covers deleting and play no words" against the skipped scene.

**Regarding claim 12:**

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In re page 15 applicant argues, with respect to claim 12, lines 1-4 when a word of soundtrack is in the word list, the computer will "play an altered word in lieu of said particular word"- Fleming et al. does not teach having the computer specifically change a single word based on a comparison operation.

In response, the examiner respectfully disagrees as discussed above with respect to claim 10 and in the last office action Fleming et al. teaches removing objectionable material or by replacing objectionable material with non-objectionable material to effectively create a lower rated version for viewing (column 1 lines 64-67).

### ***Response to Argument***

Applicant's arguments with respect to claim 1-9 and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 10-12** rejected under 35 U.S.C. 102(e) as being anticipated by **Fleming, III et al. (US 6973461 B1)** as set forth in the last office action.

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**Regarding claims 10-12:** Fleming, III et al. discloses, a method for presenting a movie wherein at least on predetermined word has been removed from a soundtrack, having a computer read a quantity of data relating to movie, wherein data is located on a data storage device, where data includes information relating to a visual portion of movie and a soundtrack movie where soundtrack includes a plurality of words (**column 2 lines 1-8**). A computer analyze at least a portion of data associated soundtrack, whereby when computer analyzes data, it recognizes the individual words in soundtrack (**column 2 lines 37-42**); wherein computer then attempts to match each words of soundtrack against a predetermined list of words and wherein if computer finds a word in soundtrack that is also include in predetermined list of words, the computer will then modify soundtrack to omit, delete or altered words as computer presents movie via a display device and at least one speaker, whereby a user can then watch movie and listen to the words in soundtrack and not hear any words that are included in predetermined list of words (**column 1 lines 63-67 and column 2 line 43-48**).

**Claim 1-9 and 13** rejected under 35 U.S.C. 102(e) as being anticipated by **Ford (US 20010001159)**

**Regarding claim 1,2 and 4,** Ford discloses, a DVD movie disk having a quantity of stored information in which first portion provides a first soundtrack of a movie in first language (**paragraph 0021**); second portion provides a second soundtrack of a movie is also in first language (**paragraph 0021**), where a minor portion of words of first soundtrack is not included in second soundtrack, and words that are not include in

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second soundtrack are of a type that would normally not be found in a "G"-rated movie (**paragraph 0034**); third portion provides a visual portion movie where a user can select to view entire visual portion of movie in combination with either of first or second soundtrack (**paragraph 0021**); fourth portion provides a third soundtrack movie in a second language of a plurality of words, in which a major portion first soundtrack words are not included in third soundtrack (**paragraph 0021 and paragraph 0034**).

**Regarding claim 3,** Ford discloses, a DVD movie disk of claim 1 where first soundtrack includes a particular word, when it played with the visual portion of the movie (**paragraph 0034**). The inclusion of particular word necessitates the movie receiving a predetermined rating that corresponds to a particular minimum maturity level (**paragraph 0034**). The second soundtrack, which does not include particular word when it played with the visual portion of movie, would receive a rating that corresponds to a particular minimum maturity level that is different from that of the first soundtrack (**paragraph 0034**).

**Regarding claim 5-8:** Ford discloses, the claim drawn to DVD movie disk having a quantity of stored information and in which stored information can be read by a DVD player device (**paragraph 0021**); where first portion of stored information provides a first soundtrack of a movie where first soundtrack is in a first language, where the soundtrack includes a plurality of words, and in which a major portion of plurality of words is in first language (**paragraph 0034**); second portion of stored information provides a second soundtrack of movie, in which second soundtrack is in a second language where the second soundtrack includes a plurality of words, in which a major

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portion of the words of second soundtrack is in second language, and in which second language is different from first language (**paragraph 0034**); third portion of stored information provides a third soundtrack of movie, in which third soundtrack is in first language where the third soundtrack is in first language where the third soundtrack includes a plurality of words, in which a major portion of plurality of words is in first language, in which a minor portion of the words of first soundtrack are not included in third soundtrack, and where minor portion of the first soundtrack's words that are not included in third soundtrack comprises at least one word that is of a type that at least some people would consider objectionable (**paragraph 0034**); wherein third soundtrack is created a substitute word is used in place of at least one of words from first soundtrack that is not included in third soundtrack (**paragraph 0035**); fourth portion of stored information provides a visual portion of an entire version of movie; wherein when DVD movie disk in is played using a DVD player device, a user can select to watch a first version of the movie in which visual portion of entire version of movie is combined with first soundtrack (**paragraph 0034**); and wherein when DVD movie disk is played using a DVD player device, a user can select to watch a second version of the movie in which visual portion of entire version of movie is combined with third soundtrack (**paragraph 0034 and paragraph 0035**).

**Regarding claim 9:** Ford discloses, a DVD movie disk where in first soundtrack includes a particular word, in which when the movie is viewed using first soundtrack, the inclusion of particular word causes the movie to receive a predetermined rating that corresponds to a particular minimum maturity level, and in which third soundtrack does



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not include particular word, where when movie is viewed using third soundtrack, the movie would receive a rating that corresponds to a particular minimum maturity level that is different from that given the movie using the first soundtrack (**paragraph 0021 and paragraph 0034**).

**Regarding claim 13:** Ford discloses, a stored movie comprising: a quantity of information recorded on a storage device, and wherein information is in a form that can be read by a reader device capable of outputting a signal that enables the display of movie via a display apparatus (**paragraph 0042**); wherein a first portion of information provides a first soundtrack of movie, and wherein first soundtrack is in a first language and comprises a plurality of words in first language (**paragraph 0034**); wherein a second portion of information provides a second soundtrack of movie, wherein second soundtrack is also in first language and comprises a plurality of words in first language, and wherein at least one word of first soundtrack is not included in second soundtrack (**paragraph 0034**); wherein a third portion of information provides a video portion of an entire version of movie; wherein when a user wishes the movie displayed in a first form, the recorded information is in a form that enables reader device to send a signal to the display apparatus that includes video portion of entire version of movie in combination with first soundtrack (**paragraph 0034**); and wherein when a user wishes the movie displayed in a second form, the recorded information is in a form that enables reader device to send a signal to the display apparatus that includes video portion of entire version of movie in combination with second soundtrack (**paragraph 0041 and 0043**).

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to a video device for the automated selective retrieval of non-sequentially stored video segments of a video program, from a single video program source, responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program.

**US 5913013**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

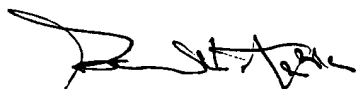
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117.

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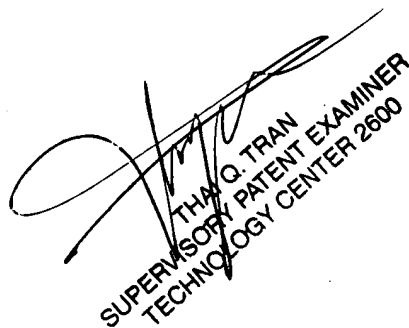
The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Tekle  
Patent Examiner



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600